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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,349	11/30/2004	B. Mulcahy	41557-211276	3062
26694	7590	09/26/2006	EXAMINER	
VENABLE LLP			TRAN, THUY V	
P.O. BOX 34385			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20043-9998			2821	

DATE MAILED: 09/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/516,349

Applicant(s)

MULCAHY ET AL.

Examiner

Thuy V. Tran

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on amendment submitted on 07/11/2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10, 21 and 23-29 is/are allowed.
- 6) ☒ Claim(s) 11-20 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 November 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is a response to the Applicants' amendment submitted on 07/11/2006. In virtue of this amendment, claims 1-29 are currently presented in the instant application.

New Title accepted

1. The new title submitted on 07/11/2006 is accepted.

Claim Objections/ Minor Informalities

2. Claims 1 and 6-10 are objected to because of the following informalities:

Claim 1, line 7, --one or more-- should be inserted between "the" (second occurrence) and "protruding";

Claim 6, line 1, --one or more-- should be inserted between "the" and "protruding";

Claim 7, line 1, --one or more-- should be inserted between "the" and "protruding";

Claim 8, line 1, --one or more-- should be inserted between "the" and "protruding";

Claim 9, line 1, --one or more-- should be inserted between "the" and "protruding"; and

Claim 10, line 1, --one or more-- should be inserted between "the" and "protruding".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

4. Claim 22 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 22, the term “the strap” recited in line 2 therein renders the claim indefinite since it is not clear which one of the straps is referred to. Clarification is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 11-13, 15, and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Yuichi (JP 05-266816).

With respect to claim 11, Yuichi discloses, in Figs. 1-3, a magnetron comprising a plurality of anode vanes [4a] and a first strap [3a] in contact with alternate ones of vanes, the strap having a protruding region [6a, 6b].

With respect to claim 12, Yuichi discloses, in Figs. 1-3, that the first strap [3a] has a plurality of protruding regions [6a, 6b].

With respect to claim 13, Yuichi discloses, in Figs. 1-3, that the protruding regions are substantially periodically spaced around at least a portion of the strap.

With respect to claim 15, Yuichi discloses, in Figs. 1-3, that the first strap comprises a closed ring.

With respect to claim 18, Yuichi discloses, in Figs. 1-3, that the magnetron further comprises a second strap [2a] in contact alternately with others of the vanes.

With respect to claim 19, Yuichi discloses, in Figs. 1-3, that the second strap [2a] includes at least one protruding region.

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With respect to claim 20, Yuichi discloses, in Figs. 1-3, that the magnetron includes a plurality of straps, at least some of which have at least one protruding region.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yuichi (JP 05-266816) in view of Takada (U.S. Patent No. 4,743,805).

With respect to claim 14, Yuichi discloses all of the claimed subject matter, as expressly recited in claim 11, except for the first strap comprises an open ring.

Takada discloses, in Fig. 20, a strap comprising an open ring.

It would have been obvious to one of ordinary skill in the art at the time of the invention to implement the magnetron device of Yuichi with an open ring in the first strap so as to facilitate the connection with the related parts since such an arrangement of the open ring for the stated purpose has been well known in the art as evidenced by the teachings of Takada (see col. 6, lines 1-10).

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9. Claims 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yuichi (JP 05-266816) in view of Skowron (U.S. Patent No. 2,766,403).

With respect to claims 16-17, Yuichi discloses all of the claimed subject matter, as expressly recited in claim 11, except for the first strap being flexible or adjustable.

Skowron discloses, in Fig. 1, a pair of straps [15, 16], which are adjustable or flexible.

It would have been obvious to one of ordinary skill in the art at the time of the invention to implement the magnetron device of Yuichi by employing a flexible or adjustable strap so as to facilitate the connection with the related parts since such an arrangement of the flexible/adjustable strap for the stated purpose has been well known in the art as evidenced by the teachings of Skowron (see col. 2, line 62 – col. 3, line 4).

Remarks and conclusion

10. The record shows that this Application is filed under 35 U.S.C. 371 and claims the benefit of the United Kingdom foreign priority. For clarity, providing such a data in the first part of the instant specification is requested.

11. Applicants' arguments with respect to the amended claim 1 and its dependent claims 2-10, 21, and 23-29 have been fully considered and are persuasive. The rejections of these claims have been withdrawn.

Claims 1-10, 21, and 23-29 are now allowed.

12. Claim 22 would be allowed following the allowability of its independent claim 1 if rewritten to overcome the rejection under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

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13. Claims 11-13, 15, and 18-20 remain rejected as being anticipated by Yuichi (see “Claim Rejections – 35 USC § 102” set forth above for details).

14. Claim 14 remains rejected as being unpatentable over Yuichi in view of Takada (see “Claim Rejections – 35 USC § 103” set forth above for details).

15. Claims 16-17 remain rejected as being unpatentable over Yuichi in view of Skowron (see “Claim Rejections – 35 USC § 103” set forth above for details).

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Inquiry

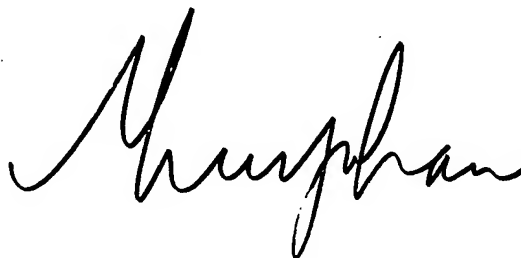
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy V. Tran whose telephone number is (571) 272-1828. The examiner can normally be reached on M-F (8:00 AM -4:00 PM).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy P. Callahan can be reached on (571) 272-1740. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

09/20/2006

A handwritten signature in black ink, appearing to read 'Thuy V. Tran', with a stylized, cursive script.

THUY V. TRAN
PRIMARY EXAMINER